

REMARKS AND ARGUMENTS

Pending claims 1-37 were examined. Claims 1-21, and 24-37 were rejected. Applicant notes with appreciation that claims 22 and 23 were found to present patentable subject matter and would be allowed if amended to include relevant base claims.

Applicant does not necessarily concur with the Examiner's interpretation of Battle. However in a desire to obtain allowance at this time, applicant has amended all claims to include the patentable subject matter found in claim 22, intervening claim 12, and independent claim 1. Applicant has so amended his claims without prejudice or disclaimer with respect to potentially refiling the subject application to seek additional claim coverage.

More specifically, amended method claim 1 includes limitations of original claim 22 (found to present patentable subject matter) and includes limitations from intervening original claim 12. Portions of amended claim 1 have been reworded to improve readability. Claims 2-11, 13, 16, 17, 21, 23, 24, and 25 depend from claim 1, and are amended to improve readability and to be consistent with amended claim 1.

System independent claim 26 has been amended to track amended method claim 1. As such, amended claim 26 includes in system format all limitations of original claim 22 (found to present patentable subject matter) and original intervening claim 12.

System claim 12 is amended to depend from independent system claim 26, and to present in system form the limitations of amended method claim 10. Amended system claim 14 tracks amended method claim 11. Amended system claim 15 tracks amended method claim 13. Amended system claim 18 tracks amended method claim 16. Amended system claim 19 tracks amended method claim 17. Amended system claim 22 tracks amended method claim 21. Amended system claim 27 tracks amended method claim 2. Amended system claim 28 tracks amended method claim 3. Amended

system claim 29 tracks amended method claim 4. Amended system claim 30 tracks amended method claim 5. Amended system claim 31 tracks amended method claim 6. Amended system claim 32 tracks amended method claim 7. Amended system claim 33 tracks amended method claim 8. Amended system claim 34 tracks amended method claim 9. Amended system claim 20 tracks amended method claim 23. Amended system claim 36 tracks amended method claim 24. Amended system claim 37 tracks amended method claim 25.

Amended independent system claim 35 tracks amended independent claim 26, but with several "means plus function" elements replaced with specific components. As such, amended system claim 35 includes in system format all limitations of original claim 22 (found to include patentable subject matter), of original claim 12, and of amended claim 1.

In view of the above amendments, applicant submits that each of claims 1-37 is patentable and in form for immediate allowance.

REJECTIONS UNDER 35 USC §102(b):

At page 2 of the Office Action, claims 1-5, 7, 10, 12, 13, 15-21, 25-27, and 29-36 were rejected as being anticipated by the Batlle reference.

In view of the amendment to claims herein, wherein each pending claim now includes subject matter found to be patentable, applicant submits that the Examiner's citation to Batlle, and indeed to other references cited is rendered moot.

REJECTIONS UNDER 35 USC §103(a)

At page 9 of the pending Office Action, claims 8, 9, 11, 24, and 37 were rejected as being unpatentable over Batlle in view of official notice, and at page 11 of the pending Office Action claims 14 and 28 were rejected as being unpatentable over Batlle in view

REJECTIONS UNDER 35 USC §103(a)

At page 9 of the pending Office Action, claims 8, 9, 11, 24, and 37 were rejected as being unpatentable over Batlle in view of official notice, and at page 11 of the pending Office Action claims 14 and 28 were rejected as being unpatentable over Batlle in view of Boyer-Kak. At page 12 of the pending Office Action, claim 6 was rejected as being unpatentable over Batlle in view of Malione '016.

However in view of the within amendment in which all pending claims include subject matter found to be patentable, applicant submits that all rejections are 35 USC §103(a) are rendered moot.

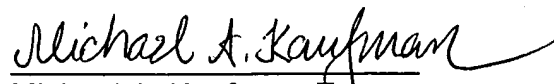
CONCLUSION

In view of the within amendment, all stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant submits that pending amended claims 1-37 include subject matter found to be allowable, and are in condition for immediate allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided below.

Prompt and favorable consideration of this Amendment and Response is respectfully requested.

Respectfully submitted,
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